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2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 Thomas LaMarco and Diane LaMarco,

6 Plaintiffs,

Civil Index No:

21 Civ. 3716

7 -against-

8 Suffolk County, New York, Commissioner

9 Rodney Harrison, Individually and in

10 his Professional capacity, Captain

11 William Scrima, Individually, Sgt.

12 William Walsh, Individually, Police

13 Officer "John" Plihcik, Individually,

14 and "John Does 1-5", Individually,

15 Defendants.

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17 100 Federal Plaza

18 Central Islip, New York

19 November 16, 2023

10:00 a.m.

20 Deposition of Defendant

21 LIEUTENANT WILLIAM WALSH, pursuant

22 to Notice, before Diana Mitchell, a

23 Notary Public of the State of New

24 York.

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Rich Moffett Court Reporting, Inc.

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Do the license requirements that are depicted in Chapter 2 there, do they inform the public of what the eligibility is for obtaining a pistol license?

A This is part of the requirements.

Q If you turn to the next page, 023, toward the middle of the page, do you see the sentence, "The final statutory requirement"?

A Yes.

Q "The final statutory requirement in the penal law grants the licensing officer the authority to consider facts not specifically addressed above as grounds for disapproving an application." Do you see where it says that?

A Yes.

Q I know what it says in the pistol licensing handbook, we can see that on page 023. The factors that determine eligibility, whether they're on

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and federal law, can we agree on that?

A Yes.

Q Who in the licensing bureau enforces the handbook?

A It would be through the commissioner's office.

Q So if a licensee, like in this case, well, let's just use this case. If you recall, and if you don't we'll go through documentation, but so Mr. and Mrs. LaMarco live with their adult son, and there were police-aided calls, like an aided call, like police responses to their home for their son, if you recall, how did that information get to the licensing bureau, how did it come to the licensing bureau's attention, if you know?

A I don't recall specifically this.

Q Do you recall generally during your years in the licensing bureau how the bureau learns of such information; in other words, is it from

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police officers sending a report in or at
renewal maybe, recertification?

A At renewal time. One example
is at renewal time our administrative
office does review of the licensee of any
incidents that may be police related that
happened the prior -- during the time
that -- that they had the license. Also,
we'd receive email notifications for
certain incidents.

Q From who?

A It's a computer program and
officers will send documentation of
incidents.

Q Like a domestic incident
report, is that the kind of information
that would be sent to the Pistol
Licensing Bureau?

A That could be one, yes.

Q And what are some other
types?

A Mental health issue.

Q And by "Mental health issue,"
do you mean a report under Mental Hygiene

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Law 9.46, or do you mean a police officer was called to a home and just classifies it as a mental health answer?

A I don't know the case laws of that specific section, but an example would be if someone was committed to a hospital for mental health issues which they needed assistance.

Q So a transport by one of the officers?

A That could be it, yes, that could be one situation.

Q That could be one?

A Yes.

Q And so mental health transports are -- well, are officers required to forward this type of information to the licensing bureau?

A I would have to review policy and procedure for the County on specifics.

Q With regard to the mental health-related information that was sent from the officers to the Pistol Licensing

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2 Bureau, is that mental health information
3 regarding the licensee or anyone in their
4 household or something else?

5 A It would be licensee and
6 household members.

7 Q So from the time that you
8 were assigned to the Pistol Licensing
9 Bureau, if a licensee resided with
10 someone who had a mental health issue or
11 who was transported to a hospital for a
12 mental health-related issue, that would
13 pose a ground for the license to be
14 suspended?

15 A Yes, it can.

16 Q And it did, right, during
17 your time?

18 A Had it, yes, at times.

19 Q So for the times that it did
20 not result in a suspension, what
21 delineated whether it was going to result
22 in a suspension for a licensee or not if
23 any family member had been transported
24 for a mental health evaluation, how was
25 that decision made?

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A I'm sorry, say that again.
I'm sorry, if you can rephrase it?

Q So if there was a family member of a licensee that was transported for a mental health issue, transported for evaluation, you said sometimes that would result in the suspension of the pistol licensee's license and sometimes it wouldn't, so what were the factors that the Pistol Licensing Bureau looked at to make a decision about whether it would be suspended or not suspended?

A Determination could be made that the person doesn't live at that address anymore would be an example.

Q Anything else?

A No, not specifically that I can think of now.

Q And if the person still lived in the household with the licensee, the suspension was certain to happen?

A I would have -- I would have to -- I would have to see the -- I'm sorry, I'm just trying to think of the

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proper way to articulate.

Q Okay, take your time.

A I would say traditionally the license would be suspended, but I can't recall every incident.

Q That was generally the policy?

A Yes.

Q If you turn to 054 of Exhibit 1, in the middle of the page it indicates, "Additional Reasons For Disapproval," and underneath, right underneath, it states, "The lack of a 'automatic bar' in your background does not guarantee the issuance or renewal of a pistol license. There are many other factors that are considered in the investigation into an individual's qualification to possess a pistol license. Reasons for disapproval, other than the above referenced automatic bars, include, but are not limited to," and then it lists seven factors, and if you look under Number 5, one of the factors

PowerPoint that I made.

Q What was the purpose of making the PowerPoint?

A I made the PowerPoint. I took a course called IDC, Instructor Developmental Course, in which you had to create a lecture, a course, a class plan.

Q Where did you take that course?

A At the Suffolk County Police Academy.

Q Did you present this PowerPoint to anyone?

A I had to perform it in front of the instructors for the course.

Q Other than performing it for the instructors at the course, was this PowerPoint, to your knowledge, used to instruct the Suffolk County Police Officers in their duties and responsibilities?

A I did use it for that purpose, yes.

Q And when did you do that?